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September 5, 2018

Board of Parole Hearings
Attn: Nonviolent Parole Review Process
P.O. Box 4036
Sacramento, CA 95812-4036

**Re: Inmate Mark Anthony Montoya; CDCR AY1034
Ventura County Superior Court Case 2014026465
Opposition to Letter Due to Board of Parole Hearings September 5, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Mark Montoya.¹ In October 2015, the inmate was sentenced to prison for eight years. Releasing the inmate now would mean he will have served approximately 50 percent of his actual sentence. This recommendation is based upon:

- 1) The dangerous nature of the commitment offense.
- 2) The inmate's recent involvement in violent criminal conduct.
- 3) The inmate's misbehavior while in custody.
- 4) The unreasonable public safety risk if the inmate is released early.

CIRCUMSTANCES OF THE COMMITMENT OFFENSE

On August 4, 2014, the Ventura County Sheriff's Office located an advertisement on Craigslist selling Redotex, an illegal weight loss supplement. After several conversations and negotiation, a deputy arranged to meet the supplier for a purchase. The inmate and co-defendant were arrested at the arranged meeting. The co-defendant's purse contained three bottles of the Redotex pills. The inmate admitted the pills belonged to him, not the co-defendant. The inmate's co-defendant stated that the inmate gave her money to go to Mexico and purchase bottles of Redotex so she could sell them. The inmate pled guilty to

¹ This letter is very similar to the opposition letter sent last year.

transportation of a controlled substance in violation of Health and Safety Code section 11379(a), and possession for sale of a controlled substance, in violation of Health and Safety Code section 11378. The inmate admitted a prior strike and a prison prior. In October 2015, the inmate was sentenced to eight years in prison.

CRIMINAL HISTORY

The inmate's documented criminal history spans more than 35 years. In total, the inmate has eight prior convictions involving violence or weapons, six felony convictions, and four prison commitments.

In July 1985, at the age of 23, the inmate got into a fight, grabbed a baseball bat out of the back of his truck, and hit the victim. In August 1985, the inmate assaulted two different victims that he claimed had beaten his son. Both incidents resulted in the inmate's convictions for assault with a deadly weapon. In 1987, the inmate was convicted of disorderly conduct in court.

In June 1988, the inmate was convicted of possession of a controlled substance. Five months later the inmate was convicted of reckless driving.

In May 1998, when the inmate caught his wife cheating, he threatened to kill her or inflict great bodily injury against her and the person he caught cheating with his wife. Initially placed on probation, he failed within three months and was sentenced to 3 years 8 months in prison.

The inmate was discharged from parole in November 2003, and in January 2004, was arrested for and later convicted of felony stalking and assault with a deadly weapon. The inmate was sentenced to four years in prison.

The inmate was discharged from parole in April 2009. In October 2010, the inmate brandished a short-barreled shotgun, waving it around inside a restaurant. He was convicted of unlawful possession of a firearm and sentenced to 32 months in prison.

In January 2014, the inmate sent a text to a woman he had dated for ten days, stating he was going to kill her and anyone who was with her. The victim also stated that the inmate went to her house with an aluminum baseball bat and threatened to hit her with it. The inmate was convicted of criminal threats in February 2014.

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CONDUCT WHILE IN CUSTODY

The inmate does not obey the rules of custodial institutions. While serving this prison sentence, he suffered a serious disciplinary report (CDC-115) in September 2016, for possession of a cell phone. While at the Ventura County jail pending the adjudication of his case, the inmate received a major write up for failing to obey a directive and disrespect. The inmate's institutional record does not demonstrate compliance with rules and orders. His behavior in custody is an aggravating factor against an early release.

DISCUSSION

Despite numerous opportunities to rehabilitate himself, the inmate continues to disregard the law. The inmate's erratic pattern of criminality, brandishing weapons at random strangers, and especially the violence he displays against women, raises serious public safety concerns. Decades of drug use and sales, and violent unstable conduct should not be rewarded by an early release from prison. The inmate has a propensity for violence. Releasing the inmate early poses an unreasonable safety risk to the community at large.

CONCLUSION

The inmate poses an unreasonable public safety risk to the community if granted early parole. I respectfully request the Board deny early parole for the inmate.

Very truly yours,



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District Attorney

GDT:kd

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